IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6341 of 2004

Between:

Mr.Md.Aijazuddin, S/o.Sri Mohd,Khaja,
R/o.H.No.16-143/6, Srinagar Colony,Lingojiguda,
Saroornagar,Hyderabad.

..... PETITIONER

AND

The Registrar and Secretary, The Administrative staff College of India,
Bellavista, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more specifically a writ of Mandamus by declaring impugned orders of Respondent in proceedings No. ASCI/ESTT/2266, dated 27-12-2002 are punitive casting stigma on me and are issued without any full scale regular enquiry and as such unjustified illegal, unlawful, arbitrary, excessive and disproportionate, opposed to principles of natural justice, unconstitutional and in violation of articles 14, 16, 21 & 311 of the constitution of India and contrary to the judgments of the Honorable Supreme court of India and this Honorable High Court of Andhra pradesh and to set aside the same and direct the Respondents to reinstate me with all monetary and consequential benefits from the date of termination i.e, from 27-12-2002 with a set off for the payment received by me reserving my right of appeal.

Counsel for the Petitioner:MR.K.CHANDRASEKHAR

Counsel for the Respondent: MR.C.R.SRIDHARAN

The Court made the following :

ORDER:

The petitioner filed this writ petition against the orders terminating services of the petitioner passed by the Administrative Staff College of India vide ProceedingsNo.ASCI/Estt./2266 dated 27-12-2002.

A Division Bench of this Court in a case law reported in 1990 (1) LLJ 575 held that Administrative Staff College is neither an instrumentality nor an agency of the State so as to bring the same within the purview of the other authorities under Article 12 of the Constitution of India, therefore, no writ can be issued.

Following the said judgment, this writ petition is dismissed as not maintainable against the respondent Administrative Staff College of India. However, it is open for the petitioner to challenge the said order, if he is entitled to do so before an appropriate authority in accordance with the law. No order as to costs.

V.Eswaraiah, J

19th August,2004.

Stp/Usd

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Registrar and Secretary, The Administrative staff College of India, Bellavista, Hyderabad

2.2CD copies

*Form-NIC-OGS/WP{**JA**}*

THE HON'BLE MR JUSTICE V.ESWARAIAH

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